

REMARKS/ARGUMENTS

This amendment address issues raised in the Official Action of July 15, 2003, paper no. 24, a final rejection. As the revisions to the claims are likely to raise new issues for consideration and/or require a new search, concurrently submitted herewith is a Request for Continued Examination (RCE) to assure entry of this amendment and further examination.

Claims 46, 47, 53, 54, 60 and 61 are cancelled thereby addressing the objections/rejections raised in items 1 and 3c. directly and also indirectly addressing the examiner's comments in items 3a. and 3b.

Claims 33, 34, 48, 49, 55 and 56 are amended to render these claims more precise thus resolve the rejections under 35 U.S.C. §112, second paragraph in items 3a. and 3b. of the examiner's Action.

This leaves for consideration the rejection under 35 U.S.C. §103(a) in item 5 based on Itaya et al '017 in view of Bruno '604. The differences between the amended claims of the present application and the devices of Figs. 12-19 of Itaya et al are illustrated schematically in the attached diagram.

Further examination is requested.

Respectfully submitted,

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NAKAMURA et al
Appl. No. 09/463,643
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| Present Invention | Fig. 12-19 (ITAYA) |
|------------------------------------|----------------------------|
| Active layer | Active layer |
| n-type Cladding layer | Undoped GaN505 |
| Third nitride semiconductor layer | n-AlGaN504(cladding layer) |
| Second nitride semiconductor layer | n-GaN503(contact layer) |
| First nitride semiconductor layer | |
| Buffer layer | Undoped GaN Buffer layer |